

LOWENSTEIN SANDLER

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

BEAZLEY INSURANCE COMPANY, INC.,

Plaintiff,

v.

FOSTER POULTRY FARMS, and
FOSTER FARMS LLC,

Defendants.

CASE NO. 1:21-cv-01806-JLT-SKO

Sheila K. Oberto
U.S. Magistrate Judge

**STIPULATION AND ORDER
REGARDING STIPULATION
MODIFYING CERTAIN DATES IN THE
SCHEDULING ORDER**

(Doc. 31)

Beazley Insurance Company (“Beazley”) and Foster Poultry Farms and Foster Farms LLC (collectively, “Foster Farms” and, with Beazley, the “Parties”) through their respective counsel of record, submit this Proposed Stipulation Modifying Certain Dates In The Scheduling Order.

Pursuant to Federal Rule of Civil Procedure 16, the schedule may be modified for good cause and with the Judge’s consent. The Parties submit that good cause exists to modify the schedule in this litigation. The Parties have largely completed written discovery, and depositions of Beazley’s two Fed R. Civ. P. 30(b)(6) witnesses are scheduled this month. Foster Farms has represented to Beazley that, with the upcoming holidays and other commitments, the earliest it is reasonably able to produce its Fed. R. Civ. P. 30(b)(6) deponent(s) is January 17, 2023, which is outside the current fact discovery cut-off. There is also one additional Beazley witness that Foster Farms seeks to depose, who may not be available for deposition until January 2023.

The Parties are requesting an approximately three-week modification to the discovery portion of the Scheduling Order solely for purposes of completing the depositions referenced herein (and any necessary related motions to compel), and not for purposes of any other non-expert discovery, and with a concomitant extension of the expert discovery portion.

Thus, the Parties request the following modification to the Scheduling Order:

	Current Date	Proposed Date
Non Expert Discovery:	January 10, 2023	February 1, 2023
Expert Disclosures:	January 16, 2023	February 6, 2023
Rebuttal Expert Disclosures:	February 15, 2023	February 28, 2023
Expert Discovery:	March 10, 2023	March 14, 2023

The proposed modifications to the Scheduling Order only affect certain discovery dates and will not result in any change to the non-dispositive motion deadlines, the dispositive motion deadlines, the pre-trial conference date, or the trial date.

The proposed modifications to the Scheduling Order are made in good faith and not for purposes of delay, and the requested extensions will not unduly delay the proceedings in this matter.

Pursuant to the Scheduling Order [D.E. 20], Foster Farms' declaration in support of this Proposed Stipulation is attached as Exhibit 1.

WHEREFORE, for the reasons described above, the Parties respectfully request the Court modify the Scheduling Order pursuant to the proposed extended deadlines.

Dated: December 6, 2022

/s/ Joseph Saka

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/s/ Ross Smith

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ORDER

For good cause shown, the Scheduling Order (Doc. 20) is hereby modified pursuant to the foregoing stipulation between the parties. (Doc. 31.)

In addition, because the assigned District Judge now holds pre-trial conferences on Mondays, the pre-trial conference in this case SHALL be held on July 17, 2013, at 1:30 p.m. Furthermore, the trial in this case SHALL be set for September 12, 2023, at 8:30 a.m. All other dates set forth in the Scheduling Order remain set.

IT IS SO ORDERED.

Dated: **January 5, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE